

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CHAD W. SCHAEFER, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:18-cv-00474

STATE FARM FIRE AND CASUALTY COMPANY, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiff Chad W. Schaefer's ("Schaefer") motion to remand.¹ (ECF No. 8.) As stated in the second footnote of the Court's memorandum opinion and order entered on this date on the motion to remand in *Pettit v. State Farm Mutual Automobile Insurance et al*, the briefing in the present motion to remand are virtually identical to the briefing in the *Pettit*.² Accordingly, the Court **ADOPTS** the reasons discussed in that memorandum opinion and order, **GRANTS** Schaefer's motion to remand, (ECF No. 8), and **REMANDS** the case to the Circuit Court of Kanawha County, West Virginia. The Court further **DIRECTS** the Clerk to remove this matter from the Court's docket.

¹ Also pending before the Court is Defendant State Farm Fire and Casualty Co.'s ("State Farm") motions to stay and dismiss. (ECF Nos. 3, 5.) As this memorandum opinion and order is remanding the case to the Circuit Court of Kanawha County, West Virginia, the Court **DENIES AS MOOT** these motions. (ECF Nos. 3, 5.)

² The Court notes that the dates on which the statute of limitations could have begun to run are different in the present case than in *Pettit*. In the present case, Schaefer was provided the UM coverage forms in December 2009 and therefore, State Farm argues that that Schaefer's UTPA claim expired in December 2010. (*See* ECF No. 14 at 7.) However, Schaefer argues, as did the plaintiff in *Pettit*, that that his UTPA claim against Defendant Debbie Clem ("Clem") was tolled by the discovery rule due to State Farm and Clem's alleged misrepresentations. (*See* ECF No. 21 at 4–6.) As the factual scenarios and arguments are the same in both cases, the Court's analysis and ruling in *Pettit* applies to the present case.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 10, 2018

A handwritten signature in blue ink, appearing to read "Th. Johnston", is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE